

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Before the court is plaintiff’s “Motion for Appointment of Counsel [Fourth Request]” (Doc. #125) and defendants’ “Motion to Strike Plaintiff’s Second Motion for Appointment of Counsel” (Doc. #130). Although defendants state the instant motion represents plaintiff’s second effort to have counsel appointed, the plaintiff states it is his fourth motion (*Id.*) The court believes plaintiff’s tally is more accurate. The following are the three prior motions plaintiff has filed and the three orders denying plaintiff’s application:

Date	Motion	Order
11/04/2010	Doc. #22	Doc. #23
05/04/2011	Doc. #39	Doc. #41
09/23/2011	Doc. #95	Doc. #98

1 Appointment of Counsel (Doc. #98). On January 5, 2012. The Honorable Edward C. Reed  
2 entered an Order (Doc. #126) denying plaintiff's Motion for Reconsideration (Doc. #44) and  
3 rejecting plaintiff's Objection (Doc. #100). (*See*, Doc. #126.)

4 The pending Motion for Appointment of Counsel (Doc. #125) contains no new  
5 information as to why plaintiff should have assistance of counsel. Instead, plaintiff's motion  
6 is a recitation of issues relating to housing, and alleged denial of medical care and purported  
7 physical abuse. These are not grounds for appointment of counsel. As Judges Reed and  
8 Robert A. McQuaid, Jr., ruled in their earlier orders denying appointment of counsel, a request  
9 for appointment of counsel in a pro se inmate §1983 case will only be granted under  
10 "extraordinary circumstances." *United States v. 30.64 Acres of Land*, 795 F.2d 796, 799-800  
11 (9<sup>th</sup> Cir. 1986); *Wilborn v. Escalderon*, 789 F.3d 1328, 1331 (9<sup>th</sup> Cir. 1986).

12 The instant matter does not present those "extraordinary circumstances" which typically  
13 requires movant to establish both the likelihood of success on the merits and his inability, if  
14 any, to advocate his claims. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9<sup>th</sup> Cir. 1991), citing  
15 *Wilborn, supra*, 789 F.2d at 1331. The district court exercises its discretion in evaluating these  
16 standards.

17 As discussed above, plaintiff has not adequately demonstrated likelihood of success on  
18 the merits of his claims. Plaintiff has shown, however, that he can adequately represent his  
19 interests and advocate his claims. Senior District Judge Edward C. Reed, Jr., made a similar  
20 finding in his order denying plaintiff's first motion for appointment of counsel:

21 The court will not enter an order directing the appointment of counsel. The  
22 plaintiff has already demonstrated that he is fully able to litigate this case on  
23 his own. He has submitted the complaint and various documents to the  
24 Court, and he is fluent in English. He has successfully pursued an appeal.  
25 Moreover, none of the issues in this case is particularly complex, which  
indicates that the plaintiff will be able to litigate this case on his own.

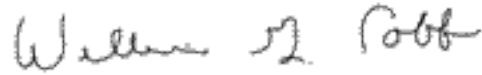
26 (*See*, Order, Doc. #23 at 2.)

27 As Judge Reed noted, plaintiff has successfully prosecuted an appeal to the Ninth  
28 Circuit Court of Appeals (Doc. #18). He has filed numerous motions and memoranda

1 supporting and opposing various motions.

2 Now, therefore, in the exercise of the discretion of the court, plaintiff's Fourth Motion  
3 for Appointment of Counsel (Doc. #125) is **DENIED**. The defendants' Motion to Strike (Doc.  
4 # 130) is **DENIED as moot**.

5  
6 Dated: January 18, 2012

7  
8 

9 

---

WILLIAM G. COBB  
10 UNITED STATES MAGISTRATE JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28